

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

SHIRLEY HARRIS,	)	
	)	
Plaintiff	)	
	)	No. 3:12-0552
v.	)	Judge Campbell/Brown
	)	<b>Jury Demand</b>
LNV, et al.,	)	
	)	
Defendants	)	

**INITIAL CASE MANAGEMENT ORDER**

Pursuant to Local Rule 16.01(d)(2), the following Initial Case Management Plan is **adopted**.

**1. Jurisdiction.** Jurisdiction is proper in this Court. The Plaintiff's home is located in this jurisdiction and the Defendant(s) all conduct business in this jurisdiction. There is no dispute as to jurisdiction.

**2. Plaintiff's theory of the case.** The Plaintiff has made or attempted to make all of the payments due on her mortgage. Plaintiff contends that the alleged delinquency has been caused by Defendant MGC Mortgage receiving payments, holding them for several months and ultimately returning them to the Plaintiff stating that the payee was incorrect; MCG Mortgage instead of MGC Mortgage. The Plaintiff's home has been scheduled for foreclosure sales several times while she attempted to resolve the matter with Defendant(s). Plaintiff has maintained an escrow account with all of her returned payments as well as subsequent payments as they have become due under her note. Plaintiff contends that the reinstatement amount

quoted by Defendant included late fees and penalties that are inappropriate. Additionally, the reinstatement amount includes several months of payments that Plaintiff contends were paid and not returned to her.

**3. Defendant's theory of the case.** Dovenmuehle Mortgage would state that the Plaintiff's payments have not been made timely, in the correct amounts, and/or that they were not properly directed to the correct party. Dovenmuehle would dispute that the late fees and penalties referenced by Plaintiff are inappropriate and would state that the documents executed between the parties control how payments are applied and how the Plaintiff's mortgage account is administered. Dovenmuehle would further state that no claims have been stated against it upon which relief may be granted.

**4. Identification of the issues.** All issues remain unresolved. Parties have thus far been unable to agree on the number of neither missed payments nor the reinstatement amount.

**5. Initial Disclosures and Discovery.** No motions concerning discovery are to be filed until after the parties have conferred in good faith and unable to resolve their differences, have scheduled and participated in a conference call with Judge Brown.

Discovery shall be completed by Friday **April 5, 2013**, unless the court, upon appropriate motion and consideration of the discovery plan, alters the time and manner of discovery.

**6. Dispositive Motions.** All dispositive Motions shall be filed no later than **May 6, 2013**. Responses due: **June 3, 2013**, and reply is due **June 17, 2013**. Briefs shall not exceed **25 pages**. Optional replies are limited to **five pages**. If dispositive motions are filed early, the response and reply dates are moved up accordingly.

**7. Other Deadlines.** The parties shall file all amended or supplemental pleadings and shall join additional parties on or before **December 3, 2012**. The deadline for Plaintiff expert witnesses is **January 31, 2013**. The Defendant's expert witness deadline is **February 28, 2013**.

**9. Alternative dispute resolution.** The parties do not believe alternative dispute resolution to be an option at this time.

**8. Subsequent case management conferences.** A telephone conference with Magistrate Judge Brown to discuss case progress is set for **March 5, 2013, at 11:00 a.m.** To participate in the conference call, parties will call 615-695-2851 at the scheduled time.

**10. Target trial date.** This jury trial is requested to begin on or after October 14, 2013. Judge Campbell will issue a separate order setting the date for trial and covering his requirements for the final pretrial conference and the trial.

It is so **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge